

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

MANUEL ESQUIVEL, individually and as a
representative of a class of similarly situated
persons, on behalf of the WHATABURGER
401(K) SAVINGS PLAN (f/k/a the Whataburger
Profit Sharing and 401(k) Savings Plan),

Plaintiff,

v.

WHATABURGER RESTAURANTS LLC, *et al.*,

Defendants.

Case No. 5:24-cv-310-XR

NOTICE OF APPEAL

Notice is hereby given that Plaintiff Manuel Esquivel, individually and as a representative of a class of similarly situated persons, on behalf of the Whataburger 401(K) Savings Plan (f/k/a the Whataburger Profit Sharing and 401(k) Savings Plan), appeals to the United States Court of Appeals for the Fifth Circuit from the final judgment of the district court entered in this action on November 8, 2024. This appeal incorporates the Order Granting Defendants' Motion to Dismiss (ECF No. 31) and Final Judgment (ECF No. 32).

Dated: December 9, 2024

Respectfully submitted,
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*Attorneys for Plaintiff, the Plan,
and the Proposed Class*

CERTIFICATE OF SERVICE

I, Jack Edwards, hereby certify that the foregoing document was electronically filed and served on all counsel of record by operation of the Court's CM/ECF system on this date.

Dated: December 9, 2024

/s/ Jack S. "Jack" Edwards, Jr.
Jack S. "Jack" Edwards, Jr.